

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF:

SBA SHIPYARD SUPERFUND SITE

JENNINGS, JEFFERSON DAVIS

PARISH, LOUISIANA

CERCLA Docket No. 06-08-16

ACBL Oldco, LLC

American Commercial Barge Line LLC

Ashland LLC

Canal Barge Company, Inc.

Cenac Towing Company, LLC

Hornbeck Offshore Transportation, LLC

Martin Energy Services LLC

Martin Operating Partnership L.P.

Talen's Marine & Fuel, LLC

Phillips 66 Company

Ingram Barge Company LLC

Superfund Management Operations.

a series of Evergreen Resources

Group, LLC, as successor in interest to

Sun Oil Company n/k/a Sunoco, Inc. and

Sun Marine Terminals of Louisiana, Inc.

Respondents

ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT FOR REMEDIAL INVESTIGATION/FEASIBILITY STUDY

Proceeding Under Sections 104, 107

and 122 of the Comprehensive

Environmental Response, Compensation,

and Liability Act, 42 U.S.C. §§ 9604,

9607 and 9622.

**SECOND AMENDMENT TO THE ADMINISTRATIVE SETTLEMENT
AGREEMENT AND ORDER ON CONSENT FOR REMEDIAL
INVESTIGATION/FEASIBILITY STUDY**

On November 18, 2016, the United States Environmental Protection Agency ("EPA") and the Respondents listed above ("Respondents") entered into an Administrative Settlement Agreement and Order on Consent, Docket No. CERCLA 06-08-16 ("Settlement Agreement"), in connection with a remedial investigation and feasibility study ("RI/FS") for the SBA Shipyard Superfund site ("Site") in Jennings, Louisiana. This Second Amendment to Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study ("Second Amendment") is issued under the authority vested in the President of the United States by Sections

104, 106(a), 107, and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9604, 9606, 9607, and 9622. The authority vested in the President has been delegated to the Administrator of the EPA by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987), and further delegated to the Regional Administrators by EPA Delegation No. 14-14-C (January 18, 2017). This authority has been further delegated by the Regional Administrator to the Director, Superfund Division, by EPA Regional Delegation No. R6-14-14-C (January 17, 2017).

Pursuant to Paragraph 115 of Section XXIX (Effective Date and Subsequent Modification) of the Settlement Agreement, the Settlement Agreement is hereby modified and amended by mutual agreement of EPA and the Respondents to add one additional party to the Settlement Agreement and amend Appendix C of the Settlement Agreement as attached. The new party to the Settlement Agreement is Beazer East, Inc. By their signature to this Second Amendment, they are agreeing to both the Settlement Agreement, the First Amendment and the Second Amendment.


The Settlement Agreement is incorporated here by reference. Except as otherwise specified in this Second Amendment, all other terms and conditions of the Settlement Agreement remain unchanged and in full effect.

This Second Amendment is effective on the date signed by EPA. Upon the effective date of the Second Amendment, Beazer East, Inc. agrees to all terms and conditions of the Settlement Agreement and will be subject to the all obligations under the Settlement Agreement.

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency

WREN
STENGER

 Digitally signed by WREN STENGER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=WREN STENGER,
0.9.2342.19200300.100.1.1=68001003651787
Date: 2020.03.25 09:41:31 -05'00'

By: _____
Wren Stenger
Director
Superfund & Emergency Management Division

Date: _____

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Martin Energy Services LLC
Martin Operating Partnership LP
Talen's Marine & Fuel, LLC
Phillips 66 Company
Ingram Barge Company LLC
Superfund Management Operations,
a series of Evergreen Resources
Group, LLC, as successor in interest to
Sun Oil Company n/k/a Sunoco, Inc. and
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STUDY**

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FOR RESPONDENT: ACBL Oldco, LLC

1701 E. Market St., Jeffersonville IN 47130

Print Address

BY:

Signature

Date

3-16-2020

Dawn Landry, SUP & GC

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Sean P. Gallagher

Title: Sr. Corporate Counsel

Address: 1701 E. Market St., Jeffersonville IN 47130

Telephone Number: 812-288-0599

Email: Sean.Gallagher@bargeACBL.com

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FOR RESPONDENT: American Commercial Barge Line LLC

1701 E. Market St., Jeffersonville IN 47130
Print Address

BY: [Signature]
Signature

3-16-2020
Date

Dawn Landry, SUP & GC
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Sean P. Gallagher

Title: Sr. Corporate Counsel

Address: 1701 E. Market St., Jeffersonville In 47130

Telephone Number: 812-288-0599

Email: Sean.Gallagher@bargeACBL.com

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FOR RESPONDENT: Ashland LLC

500 HERCULES Rd, Wilm., DE 19808
Print Address

BY: R. Williams 3/17/2020
Signature Date

RICHMOND L. WILLIAMS
Print Name of Signatory

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FOR RESPONDENT: Beazer East, Inc.

600 River Ave., Suite 200, Pittsburgh, PA 15212
Print Address

BY: [Signature] March 20, 2020
Signature Date

Charles E. McChesney II, Vice President & Secretary
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Charles E. McChesney II

Title: Vice President & Secretary

Address: Beazer East, Inc., % Three Rivers Management, Inc.,
600 River Ave., Suite 200, Pittsburgh, PA 15212

Telephone Number: 412-208-8839

Email: charles.mcchesney@trmi.biz

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FOR RESPONDENT: Canal Barge Company, Inc.

835 Union St., New Orleans, LA 70112
Print Address

BY: [Signature]
Signature

3/20/2020
Date

Spencer Murphy - General Counsel
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Spencer Murphy

Title: General Counsel - Canal Barge Company, Inc.

Address: 835 Union St
No. LA 70112

Telephone Number: 504 581 2424

Email: smurphy@canalbarge.com

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FOR RESPONDENT: Cenac Towing Co., LLC

742 Highway 182 Houma, LA 70364
Print Address

BY: [Signature] 3/19/2020
Signature Date

Arlen B. Cenac, Jr.
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Andre C. Broussard, Jr.

Title: Attorney

Address: 876 School Street

Houma LA 70360

Telephone Number: (985) 852-1847

Email: Acbroussardjr@gmail.com

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FOR RESPONDENT: Hornbeck Offshore Transportation, LLC

103 Northpark Boulevard, Suite 300, Covington, LA 70433
Print Address

BY:

Signature

Date

Samuel A. Giberga, Executive Vice President and General Counsel
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Kathleen A. Harrison

Title: Senior Counsel - Compliance

Address: 103 Northpark Boulevard, Suite 300
Covington, LA 70433

Telephone Number: 985-624-1235

Email: kathleen.harrison@hornbeckoffshore.com

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FOR RESPONDENT: Ingram Barge Company LLC

4400 Harding Pike, Nashville, TN 37205

Print Address

BY:


Signature

3/16/2020
Date

Daniel P. Mecklenborg, Chief Legal Officer and Secretary

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Daniel P. Mecklenborg

Title: Chief Legal Officer and Secretary

Address: 4400 Harding Pike

Nashville, TN 37205

Telephone Number: 615-298-8209

Email: dan.mecklenborg@ingrambarga.com

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FOR RESPONDENT: Talen's Marine & Fuel, LLC

Print Address

BY:

Date _____

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Chris Booth

Title: General Counsel

Address: P.O. Box 191

Kilgore, TX 75663

Telephone Number: (903) 983-6200

Email: Chris.booth @ martinmlp.com

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FOR RESPONDENT: Martin Energy Services LLC

Print Address

BY:

Signature

3/16/20
Date

Date _____

Robert D. Bondurant

Print Name of Signatory

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Print Name and Contact information

Name: Chris Booth

Title: General Counsel

Address: P.O. Box 191

Kilgore, TX 75663

Telephone Number: (903) 983-6200

Email: Chris.Booth@martinmlp.com

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FOR RESPONDENT: Martin Operating Partnership L.P.

P.O. Box 191, Kilgore, TX 751663
Print Address

BY:  3/16/20
Signature Date

Robert D. Bondurant
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Chris Booth

Title: General Counsel

Address: P.O. Box 191

Kilgore, TX 75663

Telephone Number: (903) 983-6200

Email: Chris.booth@martinm/p.com

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FOR RESPONDENT: Phillips 66 Company, as successor in interest to certain liabilities of ConocoPhillips Company
(as successor in interest to Conoco Inc. and Continental Oil Company)

2331 CityWest Blvd., Houston, Texas 77042

Print Address

BY: 

Signature

3/17/2020
Date

Dan Fischman, Manager, Remediation Management

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Brandi C. Sablatura

Title: Senior Counsel

Address: 2331 CityWest Blvd., Houston, Texas 77042

Telephone Number: 832-765-1260

Email: Brandi.C.Sablatura@p66.com

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Ashland LLC)	
Canal Barge Company, Inc.)	
Cenac Towing Company, LLC)	
Hornbeck Offshore Transportation, LLC)	
Martin Energy Services LLC)	
Martin Operating Partnership LP)	
Talen's Marine & Fuel, LLC)	
Phillips 66 Company)	
Ingram Barge Company LLC)	
Superfund Management Operations,)	
a series of Evergreen Resources)	
Group, LLC, as successor in interest to)	
Sun Oil Company n/k/a Sunoco, Inc. and)	
Sun Marine Terminals of Louisiana, Inc.)	
)	
Respondents)	SECOND AMENDMENT TO THE
)	ADMINISTRATIVE SETTLEMENT
)	AGREEMENT AND ORDER ON
Proceeding Under Sections 104, 107)	CONSENT FOR REMEDIAL
and 122 of the Comprehensive)	INVESTIGATION/FEASIBILITY
Environmental Response, Compensation,)	STUDY
and Liability Act, 42 U.S.C. §§ 9604,)	
9607 and 9622.)	

THE UNDERSIGNED RESPONDENT enters into this Second Amendment to the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study in the matter of CERCLA Docket No. 06-08-16 relating to the SBA Shipyard Site, Jennings, Jefferson Davis Parish, Louisiana:

FOR RESPONDENT: Superfund Management Operations, a series of Evergreen Resources Group, LLC, as successor in interest to Sun Oil Company n/k/a Sunoco, Inc. and Sun Marine Terminals of Louisiana, Inc.

2 Righter Pkwy, Suite 120, Wilmington, DE 19803
Print Address

BY: Scott Cullinan
Signature

03/16/20
Date

Scott Cullinan
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Scott Cullinan

Title: President

Address: 2 Richter Pkwy , Suite 120
Wilmington , DE 19803

Telephone Number: 302 - 477 - 0139

Email: stcullinan@evergreenresmgmt.com

APPENDIX C

(As amended by the Second Amendment to the Administrative Settlement Agreement Order on Consent for Remedial Investigation/Feasibility Study)

- ACBL Oldco, LLC
- American Commercial Barge Line LLC
- Ashland LLC
- Beazer East, Inc.
- Canal Barge Company, Inc.
- Cenac Towing Company, LLC
- Hornbeck Offshore Transportation, LLC
- Ingram Barge Company LLC
- Martin Energy Services LLC
- Martin Operating Partnership L.P.
- Talen's Marine & Fuel, LLC
- Phillips 66 Company
- Superfund Management Operations,
a series of Evergreen Resources
Group, LLC, as successor in interest to
Sun Oil Company n/k/a Sunoco, Inc. and
Sun Marine Terminals of Louisiana, Inc.